REMARKS / DISCUSSION OF ISSUES

Claims 1 – 34 are pending in the application.

In the present response, claims 1, 18 and 20 are amended. No new matter is added.

35 U.S.C. §103

Under 35 U.S.C. 103(a) the Office Action rejects claims 1, 20 – 26 and 32 over Yamanaka et al. (US Patent Application Publication 2001/0016834, hereinafter Yamanaka) in view of Brown et al. (US Pub No. 2003/0046548, hereinafter Brown).

Applicants submit that for at least the following reasons, claims 1, 20 – 26 and 32 are patentable over Yamanaka and Brown, either singly or in combination.

For example, claim 1, in part, requires:

> "*the electronic advertising content comprising control commands that are receivable from a party other than the user and that are generated upon the user selecting and playing the electronic advertising content, the control commands enabling the electronic application to render the electronic content accessible to the user.*" (Emphasis added)

In the 6 August 2008 Office Action, page 3, it is conceded by the Office that Yamanaka fails to disclose the user playing the electronic advertising content. Because of this defect, the Office cites Brown and alleges that Brown can bridge the feature gap between Yamanaka and the claimed invention. Applicants respectfully disagree with such allegation.

Brown, paragraph [0113], recites:

> "When the electronic mail message 1010 is received by the electronic mail application 1020, the electronic mail application 1020 applies an ARI tag to the electronic mail message 1010. When a user clicks on an electronic mail message 1010 in the electronic mail application 1020, the electronic mail application 1020 processes the ARI tag and displays an advertisement 1030 to the user, as shown in FIG. 10B. The advertisement 1030 may include a virtual button 1035 or the like, through which the user may obtain access to the

> associated electronic mail message 1010. In this way, the user must view the advertisement 1030 prior to gaining access to the electronic mail message 1010. Thus, the user "pays" for the electronic mail service by viewing advertisements, as defined by the ARI tags associated with the electronic mail messages. The ARI tags may also be attached to outgoing electronic mail messages such that recipients of the electronic mail messages sent by the user must view advertisements in order to read the electronic mail messages." (Emphasis added)

In the Office Action, page 3, the Office argues that the act of selecting the ads tells the system that the user implicitly commands the system to play the advertisement. However, it is clear from the above cited text that, in Brown, the user does not select or click on the ads. Rather, when the user clicks on an electronic mail message 1010 in the electronic mail application 1020, the electronic mail application 1020 processes the ARI tag and displays an advertisement 1030 to the user. Since the user clicks on the email message, not on the ads, the user just wants to read the email message and thus, the user does not implicitly command the system to play the advertisement. Therefore, Brown also fails to disclose the user selecting and playing the electronic advertising content, as claimed.

In view of at least the foregoing, Applicants submit that claim 1 is patentable over Yamanaka and Brown, either singly or in combination.

Similarly, independent claim 18, in part, requires:

> "*the selecting and playing of the electronic advertising by the user initiating the operation of the control commands enabling the electronic application to render the electronic content accessible to the user.*"

In addition, independent claim 20, in part, requires:

> "*wherein the control commands are generated by the selecting and playing of advertising by the user on the device.*"

Since both claims 18 and 20 require the selecting and playing of advertising by the user, Applicants essentially repeat the above arguments for claim 1 and apply them to claims 18 and 20 pointing out why the combination of Yamanaka and Brown fails to disclose the selecting and playing of advertising by the user. Therefore,

claims 18 and 20 are patentable over Yamanaka and Brown, either singly or in combination.

Claims 21 – 26 and 32 are also patentable because they at least depend from claim 20, with each claim containing further distinguishing features.

Under 35 U.S.C. 103(a) the Office Action also rejects claims 2, 11, 14 – 17, 27 and 28 over Yamanaka in view of Brown further in view of Wu (US Pat No. 6874018, hereinafter Wu); claims 3, 4, 6 – 8, 10, 29 – 31 and 34 over Yamanaka, Brown and Wu further in view of Lamkin et al. (US Patent Application Publication 2004/0220926, hereinafter Lamkin); claims 12, 13, 18 and 19 over Yamanaka, Brown and Wu further in view of Donian et al. (US Patent Application Publication 2004/0003398, hereinafter Donian); claim 9 over Yamanaka, Brown and Wu in view of Lamkin further in view of Donian; and claims 5 and 33 over Yamanaka, Brown and Wu in view of Ochiyama et al. (US Patent Application Publication 2004/0031377, hereinafter Ochiyama).

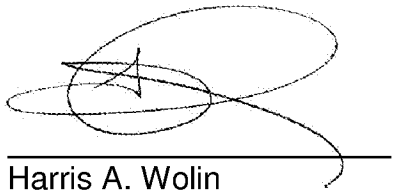
Applicants submit that none of the cited secondary references can cure the defects present in Yamanaka and Brown, as discussed above for claims 1, 18 and 20. Claims 2 – 17, 19, 27 – 31, 33 and 34 are patentable because at least they respectively depend from claims 1, 18 and 20, with each claim containing further distinguishing features.

Withdrawal of the rejection of clams 1 – 34 under 35 U.S.C. 103(a) is respectfully requested.

Conclusion

In view of the foregoing, Applicants respectfully request that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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